

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION**

DEFENDANT'S MOTION FOR SUMMARY JUDGMENT

Pursuant to Rule 56(b) of the Federal Rules of Civil Procedure, Defendant International Paper Company, by counsel, hereby moves this Court to enter summary judgment in its favor on both counts of the Complaint. The grounds for its motion, which are set forth more fully in the attached memorandum of law, are that there exists no genuine issue as to any material fact and that International Paper Company is entitled to judgment as a matter of law.

WHEREFORE, Defendant International Paper Company respectfully requests that its Motion for Summary Judgment be granted and that this action be dismissed in its entirety, with prejudice. It further requests that it be awarded its costs and attorneys' fees incurred in this action.

Respectfully submitted,

INTERNATIONAL PAPER COMPANY

By: / s /

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CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of July, 2009, I will electronically file the foregoing Motion for Summary Judgment and supporting memorandum with the Clerk of Court using the CM/ECF system, which will send a notification of such filing (NEF), and will also cause this motion and supporting memorandum to be served via hand delivery, to the following:

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